



ATTORNEY DOCKET NO. 22841-018
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
NICOLSON et al.) Customer No.: 20277
Serial No.: 09/640,526) Confirmation No.: 6172
Filed: August 17, 2000) Group Art Unit: 1714
FOR: EXTENDED WEAR OPHTHALMIC LENS) Examiner: Edward Cain

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.56, the attention of the Patent and Trademark Office is directed to the cited reference(s) listed on the attached PTO-1449. The cited references are believed to be the most relevant known to Applicants and/or Assignee at this time concerning the invention as claimed in the above-captioned patent application. No representation is made or intended that more relevant information does not exist or that the order of presentation of the information in any way reflects their relative pertinence.

Applicant(s) respectfully request(s) that each of the cited information be expressly considered during the prosecution of this application and that the cited reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. A copy of each reference is attached.

- ☐ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. Thus, no certification or fee is required.
- ☒ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

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- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☒ c. Please charge the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p). Please credit or debit Deposit Account No. 50-0417 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant(s) petition(s) that the Information Disclosure Statement be considered. Please charge Deposit Account No. 50-0417 in the amount of \$180.00 for payment of the petition fee. Please credit or debit Deposit Account No. 50-0417 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

Please grant any extension of time deemed necessary for entry of this communication. Please charge any deficient fees, or credit any overpayment of fees associated with this communication to Deposit Account No. 50-0417. A duplicate copy of this communication is attached.

Respectfully submitted,

McDERMOTT, WILL & EMERY

Date:

May 6, 2004

By:

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INFORMATION DISCLOSURE CITATION IN AN APPLICATION

ATTY. DOCKET NO.
22841-018

SERIAL NO.
09/640,526

APPLICANT
Paul NICOLSON, et al.

FILING DATE
August 17, 2000

GROUP
1714

(PTO-1449)

U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US			
		US			

FOREIGN PATENT DOCUMENTS

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OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER'S INITIALS	CITE NO.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	A	Spark and Cannon, Transcript of Proceedings, Merkel J., Federal Court of Australia, Hearing & Motion, Novartis AG and Another and Bausch and Lomb (Australia) Pty Ltd., October 7, 2003, (Pages P-1 – P-76).
	B	Spark and Cannon, Transcript of Proceedings, Merkel J., Federal Court of Australia, Hearing & Motion, Novartis AG and Another and Bausch and Lomb (Australia) Pty Ltd. October 8, 2003, (Pages P-77 – P-153).
	C	Spark and Cannon, Transcript of Proceedings, Merkel J., Federal Court of Australia, Hearing & Motion, Novartis AG and Another and Bausch and Lomb (Australia) Pty Ltd., Hearing & Motion, Novartis AG and Another and Bausch and Lomb (Australia) Pty Ltd. October 9, 2003, (Pages P-154 – P-224).
	D	Spark and Cannon, Transcript of Proceedings, Merkel J., Federal Court of Australia, Hearing & Motion, Novartis AG and Another and Bausch and Lomb (Australia) Pty Ltd. October 10, 2003, (Pages P-225 – P-294).
	E	Spark and Cannon, Transcript of Proceedings, Merkel J., Federal Court of Australia, Hearing & Motion, Novartis AG and Another and Bausch and Lomb (Australia) Pty Ltd. October 13, 2003, (Pages P-295 – P-359).
	F	Spark and Cannon, Transcript of Proceedings, Merkel J., Federal Court of Australia, Hearing & Motion, Novartis AG and Another and Bausch and Lomb (Australia) Pty Ltd. October 14, 2003, (Pages P-360 – P-422).
	G	Spark and Cannon, Transcript of Proceedings, Merkel J., Federal Court of Australia, Hearing & Motion, Novartis AG and Another and Bausch and Lomb (Australia) Pty Ltd. October 15, 2003, (Pages P-422 – P-484).
	H	Spark and Cannon, Transcript of Proceedings, Merkel J., Federal Court of Australia, Hearing & Motion, Novartis AG and Another and Bausch and Lomb (Australia) Pty Ltd. October 16, 2003, (Pages P-485 – P-563).
	I	Spark and Cannon, Transcript of Proceedings, Merkel J., Federal Court of Australia, Hearing & Motion, Novartis AG and Another and Bausch and Lomb (Australia) Pty Ltd. October 17, 2003, (Pages P-564 – P-644).
	J	Spark and Cannon, Transcript of Proceedings, Merkel J., Federal Court of Australia, Hearing & Motion, Novartis AG and Another and Bausch and Lomb (Australia) Pty Ltd. October 20, 2003, (Pages P-645 – P-679).
	K	Spark and Cannon, Transcript of Proceedings, Merkel J., Federal Court of Australia, Hearing & Motion, Novartis AG and Another and Bausch and Lomb (Australia) Pty Ltd. October 21, 2003, (Pages P-679 – P-750), (pages P1- P5).
	L	Spark and Cannon, Transcript of Proceedings, Merkel J., Federal Court of Australia, Hearing & Motion, Novartis AG and Another and Bausch and Lomb (Australia) Pty Ltd. October 22, 2003, (Pages P-751 – P-822).

EXAMINER

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1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

INFORMATION DISCLOSURE CITATION IN AN APPLICATION <div style="text-align: center;">(PTO-1449)</div>				ATTY. DOCKET NO. 22841-018		SERIAL NO. 09/640,526	
APPLICANT Paul NICOLSON, et al.							
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	M	Spark and Cannon, Transcript of Proceedings, Merkel J., Federal Court of Australia, Hearing & Motion Novartis AG and Another and Bausch and Lomb (Australia) Pty Ltd. October 23, 2003, (Pages P-823 - 895).					
	N	Spark and Cannon, Transcript of Proceedings, Merkel J., Federal Court of Australia, Hearing & Motion Novartis AG and Another and Bausch and Lomb (Australia) Pty Ltd. October 24, 2003, (Pages P-896 - 968).					
	O	Order ("construction of the patent claims") - U.S. Court for the Northern District of Georgia Gainesville Division, Civil Action 2:99-CV-0034-RWS, dated March 14, 2003.					
	P	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume I, pp. 1 - 195, March 15, 2004.					
	Q	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume II, pp. 196 - 406, March 16, 2004.					
	R	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume III, pp. 407 - 598, March 17, 2004.					
	S	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume IV, pp. 599 - 809, March 19, 2004.					
	T	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume V, pp. 810 - 1039, March 22, 2004.					
	U	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume VI, pp. 1040 - 1251, March 23, 2004.					
	V	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume VII, pp. 1252 - 1423, March 24, 2004.					
	W	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume VIII, pp. 1424 - 1577, March 26, 2004.					
	X	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume IX, pp. 1578 - 1781, March 29, 2004.					
	Y	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume X, pp. 1782 - 1999, March 30, 2004.					
	Z	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume XI, pp. 2000 - 2200, March 31, 2004.					
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						Yes	No
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	AA	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume XII, pp. 2201 - 2404, April 1, 2004.					
	BB	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume XIII, pp. 2405 - 2548, April 2, 2004.					
	CC	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume XIV, pp. 2549 - 2769, April 13, 2004.					
	DD	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume XV, pp. 2770 - 2989, April 14, 2004.					
	EE	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume XVI, pp. 2990 - 3204, April 19, 2004.					
	FF	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume XVII, pp. 3205 - 3432, April 20, 2004.					
	GG	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume XVIII, pp. 3433 - 3626, April 21, 2004.					
	HH	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume XIX, pp. 3627 - 3865, April 22, 2004.					
	II	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume XX, pp. 3866 - 4072, April 23, 2004.					
	JJ	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume XXI, pp. 4073 - 4303, April 26, 2004.					
	KK	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume XXII, pp. 4304 - 4319, April 27, 2004.					
	LL	CIBA Vision Corporation v. Bausch & Lomb, Inc., Transcript of Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Volume XXIII, pp. 4320 - 4456, April 28, 2004.					
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	MM	Opposition of European Patent No. 0819258, Novartis AG, et al. by Johnson & Johnson Vision Care, Inc., 10 June 2002					
	NN	Novartis AG., Bausch & Lomb Inc., Johnson & Johnson Vision Care, Inc., European Patent Office, MINUTES OF THE ORAL PROCEEDINGS BEFORE THE OPPOSITION DIVISION, September 17, 2003					
	OO	Johnson & Johnson Pacific Pty Limited v. Novartis AG et al., In the Federal Court of Australia New South Wales District Registry, APPLICATION to revoke Australian Patent No. 704749, pp. 1 - 3, 11 September 2003					
	PP	Johnson & Johnson Pacific Pty Limited v. Novartis AG et al., In the Federal Court of Australia New South Wales District Registry, PARTICULARS OF INVALIDITY, pp. 1 - 10, 11 September 2003					
	QQ	Johnson & Johnson Pacific Pty Limited v. Novartis AG et al., In the Federal Court of Australia New South Wales District Registry, STATEMENT OF CLAIM, pp. 1 - 2, 11 September 2003					
	RR	Johnson & Johnson (New Zealand) Limited v. Novartis AG et al. In the High Court of New Zealand Wellington Registry, RESPONDENTS' REPLY TO THE APPLICANT'S PARTICULARS OF OBJECTION AS TO VALIDITY OF NEW ZEALAND LETTERS PATENT NO. 304321, pp. 1 - 10, 23 January 2004					
	SS	Johnson & Johnson (New Zealand) Limited v. Novartis AG et al. In the High Court of New Zealand Wellington Registry, RESPONDENTS' REPLY TO THE APPLICANT'S PARTICULARS OF OBJECTION AS TO VALIDITY OF NEW ZEALAND LETTERS PATENT NO. 334977, pp. 1 - 9, 23 January 2004					
	TT	Johnson & Johnson (New Zealand) Limited v. Novartis AG et al. In the High Court of New Zealand Wellington Registry, NOTICE OF APPLICATION BY APPLICANT FOR DIRECTIONS REGARDING THE PROCEEDING, pp. 1 - 2, 28 October 2003					
	UU	Johnson & Johnson (New Zealand) Limited v. Novartis AG et al. In the High Court of New Zealand Wellington Registry, PARTICULARS OF OBJECTION AS TO VALIDITY OF NEW ZEALAND LETTERS PATENT NO. 334977, pp. 1 - 10, 28 October 2003					
	VV	Johnson & Johnson (New Zealand) Limited v. Novartis AG et al. In the High Court of New Zealand Wellington Registry, PARTICULARS OF OBJECTION AS TO VALIDITY OF NEW ZEALAND LETTERS PATENT NO. 304321, pp. 1 - 10, 28 October 2003					
	WW	Johnson & Johnson (New Zealand) Limited v. Novartis AG et al. In the High Court of New Zealand Wellington Registry, ORIGINATING APPLICATION FOR REVOCATION OF NEW ZEALAND LETTERS PATENT NOS 304321 AND 334977, pp. 1 - 3, 28 October 2003					
	XX	Bausch & Lomb's 1994 Annual Report p. 14					
	YY	George L. Grobe III, et al., SURFACE CHARACTERIZATION OF AN OXIDIZED SILICONE HYDROGEL, 1994, pp. 43 - 47					
	ZZ	SURFACES IN BIOMATERIALS '94, Symposium Notebook, September 7-10, 1994, Scottsdale, Arizona					
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	AAA	Novartis AG et al. v. Bausch & Lomb (Australia) Pty. Ltd. et al., In the Federal Court of Australia Victoria District Registry, BAUSCH & LOMB'S SUPPLEMENTARY SUBMISSION CONCERNING THE MORPHOLOGY OF THE PUREVISION PRODUCT, No. V81 of 2000, pp. 1 - 7, 17 December 2003					
	BBB	Novartis AG et al. v. Bausch & Lomb (Australia) Pty. Ltd. et al., In the Federal Court of Australia Victoria District Registry, RESPONDENT/CROSS-CLAIMANTS' SUBMISSIONS IN OPPOSITION TO AMENDMENT, No. V81 of 2000, pp. 1 - 19, 22 August 2003					
	CCC	Novartis AG et al. v. Bausch & Lomb (Australia) Pty. Ltd. et al., In the Federal Court of Australia New South Wales District Registry, BAUSCH & LOMB'S SUBMISSIONS IN ANSWER, No. V81 of 2000, pp. 1 - 29, 5 December 2003					
	DDD	Novartis AG et al. v. Bausch & Lomb (Australia) Pty. Ltd. et al., In the Federal Court of Australia New South Wales District Registry, BAUSCH & LOMB'S RESPONSE TO THE APPLICANTS' SUPPLEMENTARY CLOSING SUBMISSIONS, No. V81 of 2000, pp. 1 - 22, 5 December 2003					
	EEE	Novartis AG et al. v. Bausch & Lomb (Australia) Pty. Ltd. et al., In the Federal Court of Australia Victoria District Registry, STATEMENT OF GROUNDS IN SUPPORT OF AMENDMENT, No. V81 of 2000, pp. 1 - 4, 6 June 2003					
	FFF	Novartis AG et al. v. Bausch & Lomb (Australia) Pty. Ltd. et al., In the Federal Court of Australia Victoria District Registry, RESPONDENT/CROSS-CLAIMANTS' GROUNDS OF OPPOSITION TO AMENDMENT, No. V81 of 2000, pp. 1 - 8, 4 July 2003					
	GGG	Novartis AG et al. v. Bausch & Lomb (Australia) Pty. Ltd. et al., In the Federal Court of Australia Victoria District Registry, BAUSCH & LOMB'S CONTENTION OF FACT AND LAW, No. V81 of 2000, pp. 1 - 29, 29 September 2003					
	HHH	Novartis AG et al. v. Bausch & Lomb (Australia) Pty. Ltd. et al., In the Federal Court of Australia Victoria District Registry, APPLICANTS' OPENING SUBMISSIONS, No. V81 of 2000, pp. 1 - 16, 29 September 2003 (Glossary of Ophthalmic Terms pp. 1-8)					
	III	Novartis AG et al. v. Bausch & Lomb (Australia) Pty. Ltd. et al., In the Federal Court of Australia Victoria District Registry, APPLICANTS' SUPPLEMENTARY CLOSING SUBMISSIONS, No. V81 of 2000, pp. 1 - 3, 28 November 2003					
	JJJ	Novartis AG et al. v. Bausch & Lomb (Australia) Pty. Ltd. et al., In the Federal Court of Australia Victoria District Registry, APPLICANTS' REPLY SUBMISSIONS, No. V81 of 2000, pp. 1 - 12, 5 December 2003					
	KKK	Novartis AG et al. v. Bausch & Lomb (Australia) Pty. Ltd. et al., In the Federal Court of Australia Victoria District Registry, APPLICANTS' CLOSING SUBMISSIONS, No. V81 of 2000, pp. 1 - 27, 19 November 2003					
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